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S E C R E T SECTION 01 OF 03 COLOMBO 002323

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DEPARTMENT FOR SA, SA/INS, T, PM, IO, DS; NSC FOR E. MILLARD

LONDON FOR POL/RIEDEL

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TAGS: [PREL](#) [PGOV](#) [PTER](#) [ECON](#) [MV](#) [KICC](#) [UN](#)

SUBJECT: During Mission visit, Maldivian MFA says it is carefully reviewing proposed ICC Article 98 agreement

Refs: (A) Colombo 2180, and previous

- (B) State 250990
- (C) State 243173
- (D) Colombo 1926 (All Notal)

(U) Classified by Lewis Amselem, Deputy Chief of Mission.  
Reasons 1.5 (b, d).

1. (S/NF) SUMMARY: During a December 17 meeting in Male, Polchief urged the Maldivian government to sign an ICC Article 98 agreement with the U.S. MFA Permanent Secretary Shaheed replied that the GoRM continued to

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review the proposal, which it viewed in a "favorable light." Shaheed made a strong pitch for a meeting between Presidents Bush and Gayoom next year. He appreciated the information about Guantanamo access and urged the U.S. to continue to support the Maldives' designation as a "developing country" at the UN. In our estimation, after repeated USG efforts, the Maldivians seem to be inclining toward possibly concluding an Article 98 agreement, but their review of the issue will take time. END SUMMARY.

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Proposed ICC Article 98 Agreement  
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2. (C) Polchief visited the Maldives, December 16-17. During a December 17 meeting in Male, he discussed several pressing bilateral issues with Dr. Ahmed Shaheed, the Permanent Secretary of the Ministry of Foreign Affairs. (Note: See Septel re the Maldivian domestic political situation, including the upcoming presidential selection process.) The first issue raised in the meeting involved the U.S. proposal that the Maldives sign an International Criminal Court (ICC) Article 98 agreement. As the Deputy Secretary, SA A/S Rocca, and Mission have done repeatedly (see Ref A), Polchief reiterated U.S. arguments urging the Maldives to sign such an agreement as soon as possible. Polchief noted that Sri Lanka, a close friend of the Maldives, had signed such an agreement on November 22. The Maldives would gain significant credit with the U.S. the sooner it joined with us on this vital issue.

3. (C) In response, Shaheed said the GoRM continued to carefully review the proposal, which it viewed in a "favorable light." Additional Maldivian intra-governmental study was necessary, however. This review would take at least several weeks. One of the reasons the review would take time was the fact that President Gayoom had a busy travel schedule and would only be back in Male in mid-January. Polchief asked whether any additional information re the U.S. proposal was needed. Shaheed replied that the GoRM had enough information at this point, and was just weighing whether the U.S. proposal "conformed with Maldivian law" and was in the country's "foreign policy interest." (Note: Ambassador Wills plans to visit the Maldives in the January timeframe and will take up the Article 98 issue with top GoRM officials then, if it has not yet been settled.)

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Request for Meeting with President Bush  
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4. (C) Shifting focus, Shaheed noted President Gayoom's strong interest in meeting with President Bush next year (see Ref D). Shaheed remarked that no GoRM leader had ever had the privilege of meeting an American President since the country obtained independence from Britain in 1965. President Gayoom, who had been in office almost 25 years, would deeply appreciate the honor of even a very short meeting. The planned visit to the U.S. was a part of a larger visit to Western Europe, and the GoRM was confident that PM Blair and President Chirac would

meet with Gayoom. Shaheed added that President Gayoom was up for re-election next year and, as a politician, a meeting with President Bush was especially important to him at this time. (Note: Gayoom has been in power since 1978. Per the Maldives' presidential selection system, a popular referendum on the nominee of the Parliament for the next five-year term in office is scheduled to take place in mid-2003. Per Septel, Gayoom has not formally announced his candidacy, but he is widely expected to run again.) Polchief replied that the U.S. is reviewing the Maldivian request, and will get back to the GoRM at a later date. Polchief also provided Shaheed the original copy of the letter to President Gayoom from President Bush, which was contained in Ref C.

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Guantanamo Access  
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15. (S/NF) Per Ref B, Polchief reviewed with Shaheed the information the GoRM has to provide the USG re the one-to-three-person delegation it wants to send to Guantanamo. (Note: The GoRM has requested access to Ibrahim Fawzy, a prisoner held at Guantanamo who is a Maldivian national.) Shaheed said the government will gather the information needed and provide it to the USG as soon as possible. He expected that the officials on the proposed GoRM team would be from the National Security Service (NSS). (Note: DATT met with the Chief of the NSS last week and offered to escort to Guantanamo any NSS officials the GoRM chooses to send there, should the visit be approved.) (Note: In a separate meeting, a NSS representative told Polchief that Fawzy is from Baa Atoll located to the northwest of Male and had no record of previous extremist behavior. Fawzy went to study in Pakistan some time back and the GoRM had lost track of him there. Mission is also faxing to SA/INS an undated report that surfaced on the anti-GoRM website "Sandhaanu" re the Fawzy matter.)

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"Developing Country" Designation  
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16. (SBU) The final matter discussed at the meeting concerned the Maldivian government's desire that it continue to be designated a "LDC" (less developed country) for purposes of the UN. Shaheed said the issue was due to be reviewed again in the UN Committee for Development Policy (CDP) in April 2003. Shaheed said the GoRM would appreciate strong U.S. support on this issue, as it had received in the past. Polchief replied that the U.S. wanted to be helpful, but was still reviewing the issue. Any additional information the GoRM could provide re its position would be greatly appreciated. Shaheed said the MFA would send Mission a detailed rationale of its stance soon. (Note: In a meeting with Polchief, UN Resident Coordinator Minh Pham related that he thought there was strong support at the UN for the Maldives' receiving another three-year extension in LDC status. He thought that some countries' would demand that the GoRM develop an "exit strategy," however, given rising economic indicators.)

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COMMENT  
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17. (C/NF) In our estimation, after repeated USG efforts, the Maldivians seem to be inclining toward possibly concluding an Article 98 agreement with the U.S. Their review of the issue will take time, however: Gayoom is out of the country a great deal and things just move slowly in the Maldives. As we have emphasized before, Mission recommends strongly a brief meeting for Gayoom with President Bush next year, if at all possible. Relations between the U.S. and the Maldives, a moderate Islamic country, have drawn closer since September 11, 2001, and we think that even a brief meeting would bring ties to another plane altogether. Such a meeting would also help in terms of solidifying Maldivian agreement to blanket overflight and ship clearances, which might prove especially important should there be a confrontation with Iraq (the Maldives archipelago lies astride important Indian Ocean searoutes and is located due north of Diego Garcia). We also recommend favorable consideration of the Maldives' request for continued "developing country" status at the UN, which is an issue of the highest import to the government. END COMMENT.

18. (U) Minimize considered.

WILLS